

Return Date: May 1, 2025

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

ROBERT P. RUGGERIO

Case No. 25-70416

Chapter 11 ☒

Debtor(s)
-----X

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed application of
F. W. Webb Company, a hearing will be held before the Hon
Louis A. Scarcella ☒, Bankruptcy Judge, to consider the motion for an Order
granting relief as follows:

Allowing creditor F.W. Webb to file a Proof of Claim, Nunc Pro Tunc

Date and time of hearing: May 1, 2025

Location: U.S. Bankruptcy Court

290 Federal Plaza

Central Islip, New York 11722

Courtroom # 970 ☒, _____ Floor

Dated: April 11, 2025


Signature

Print name: Eugene M. Banta

Address: 198 Rt 9 North, Suite 207

Manalapan NJ 07726

Phone: 732-780-5900

Email: ebanta@nycnjlaw.com

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U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK-----X
In Re:

Case No. 25-70416

ROBERT P. RUGGERIO SR.
Case No. 25-70416

Chapter 11

Certification in Support

Debtor(s)
Chapter 11
-----X

The Movant, F.W. Webb, by his attorney, Eugene M. Banta, respectfully moves this Court for leave to file a late Proof of Claim pursuant to Federal Rules of Bankruptcy Procedure, Rule 9006 (b) (1). The Movant's Proof of Claim, if allowed, will not unduly prejudice the Debtor and the delay in filing the Movant's Proof of Claim will not substantially impact the Judicial Proceedings in either this Bankruptcy Court or the related State Court action in which the Debtor is already a named Defendant. The Movant delayed in filing the Proof of Claim to this Motion as a result of excusable neglect caused by the following:

1. The debtor entered into an agreement for the debtor to purchase various plumbing supplies. (Exhibit A)
2. Annexed hereto are the invoices to the Debtor dated November 24, 2025, for the period of February 9, 2023 through September 8, 2023. The overdue amount is \$264,948.71. This represents only the monies due for the goods provided. (Exhibit B)
3. The suit was brought against the Creditor. The Creditor was served on or about March 4, 2025.
4. This office did not learn of the Bankruptcy until a few days prior to the Bar Date of March 20, 2025. We thought that as the petition was filed on January 31, 2025 that we would have more than 43 days to file the POC.
5. We immediately contacted the client and forwarded them documentation for signatures so that we could file the Proof of Claim.
6. The Court should also note that neither this office nor the Creditor were listed in the List of

Creditors (Exhibit C). It is submitted our client did not have adequate notice under the rules that the Bankruptcy had been filed.

7. I have spoken to the Debtors attorney, and he states he will not object to our filing a late Notice of Claim in this matter so long as we agree to vote for the plan. We certainly will vote to confirm it.
8. Based on the foregoing, the Movant respectfully submits that cause exists for allowing it to file a late Proof of Claim.
9. I hereby certify the above statements are true under penalty of perjury.

WHEREFORE, it is respectfully requested that this Court allow the Creditor to file a Notice of Claim nunc pro tunc.

Affirmed: April 11, 2025.



EUGENE M. BANTA *cb1817*
HEITNER & BREITSTEIN
Attorneys for Plaintiff
26 Court Street - Suite 304
Brooklyn, NY 11242
(800) 221-6567

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In Re:

Return Date: 4/24/25

ROBERT P. RUGGERIO SR.

Case No. 25-70416

Debtor(s)

Chapter 11

-----X

ORDER ON MOTION TO FILE A PROOF OF CLAIM NUNC PRO TUNC

The creditor, F.W. Webb has filed a motion to file a Proof of Claim, nunc pro tunc. The court held the hearing required by 11 U.S.C. § 524(d) on notice to the debtor(s) and the creditor on May 1, 2025.

COURT ORDER: The court grants the debtor's motion under Federal Rules of Bankruptcy Procedure, Rule 9006 (b) (1) and approves the filing of the Proof of Claim, nunc pro tunc, described above as not imposing an undue hardship on the debtor(s) or the estate, it is further

ORDERED, the movant shall vote for the proposed plan as filed.

BY THE COURT

Date:

Hon. Louis Scarcella,
Judge, United States Bankruptcy

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CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK